

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**KOMATSU FINANCIAL
LIMITED PARTNERSHIP,**

Plaintiff,

v.

**CIVIL ACTION NO. 5:18-cv-01336
Honorable Frank W. Volk**

KIRBY LAND COMPANY, INC.,

Defendant.

ANSWER TO SUGGESTION

In response to the suggestion filed in the above-styled civil action, the suggestee, Kentucky Fuel Corporation (“KFC”), states that it has no liability or indebtedness to the judgment debtor, Kirby Land Company, Inc.

Respectfully submitted,

KENTUCKY FUEL CORPORATION,

By counsel,

/s/ David R. Pogue

Michael W. Carey, WVSb No. 635

Steven R. Ruby, WVSb No. 10752

David R. Pogue, WVSb No. 10806

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VERIFICATION

STATE OF VIRGINIA,

CITY OF ROANOKE, to-wit:

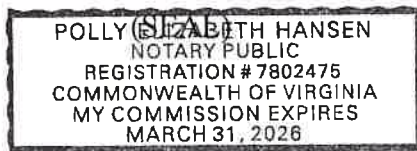
The undersigned, Executive Vice President and General Counsel of Kentucky Fuel Corporation, being duly sworn, states that the facts contained in the foregoing "Answer to Suggestion" are true, except insofar as they are stated therein to be upon information and belief, and that so far as they are therein stated to be upon information and belief, the undersigned believes them to be true.



Stephen Ball

Taken, subscribed, and sworn to before me this 20th day of February, 2024.

My commission expires: 3-31-26.





NOTARY PUBLIC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of February 2024, the foregoing “Answer to Suggestion” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ David R. Pogue
David R. Pogue (WVSB #10806)